

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUMMONS FOR JUDGMENT NO.111 OF 2006
IN
SUMMARY SUIT NO.369 OF 2006

Motilal M. Doshi

...Plaintiff

v/s

Supreme Hi Tech Engg. Services Ltd.

...Defendants

Mr H.V. Chande for Plaintiff.

Mr R.C. Dubey for Defendants.

CORAM : D.K. DESHMUKH J.

DATE : 3RD JULY 2006.

P.C.

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1. The plaintiff has filed this suit for recovery of the price of the goods. There is no dispute that the defendants had placed order for the goods. There is no dispute that the invoices which are filed with the plaint show that the goods are supplied to the defendants. According to the plaintiff, the defendants have paid an amount of Rs.4,50,000/- and the suit is for recovery of the balance amount. The only point that was argued on behalf of the defendants was that though the plaintiff has given credit to the defendants for the amount paid by the defendants, but the defendants have also paid an amount of Rs.50,000/- to the plaintiff for which credit is not given. The defendants, however, have not produced any document to show that the additional amount of Rs.50,000/- was paid by the defendants to the plaintiff. In the absence of any evidence produced by the defendants, the defence of the defendants cannot be accepted. The plaintiff is entitled for a decree in the suit. Summons for judgment is therefore granted. Suit of the plaintiff is decreed in terms of the prayer clause of the plaint. Refund of court fees as per rules.

. Parties to act on the copy of this order duly
authenticated by the Associate / Private Secretary as
true copy.

. Certified copy expedited.
